

Part A of the Supporting Statement

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title and Number of the Information Collection

This ICR is entitled "Application Requirements for the Approval and Delegation of Federal Air Toxics Programs to State, Territorial, Local, and Tribal Agencies" and numbered as EPA ICR Number 1643.04 and OMB Number 2060-0264. This is a revision of the OMB-approved EPA ICR Number 1643.03.

1(b) Short Characterization

This information collection is an application from State, territorial, local, or tribal agencies (S/L/Ts) for delegation of regulations developed under section 112(l) of the Clean Air Act (CAA) as amended in 1990. In the time frame for this submittal, we, the Environmental Protection Agency (EPA) estimate that the majority of the delegated regulations will be those developed under sections 112(d) and 112(r) of the CAA. The procedures and requirements that the S/L/Ts will use to request the delegations are codified as 40 CFR 63, subpart E, in accordance with section 112(l) of the CAA. We have amended subpart E to allow more flexibility in the manner in which the section 112 regulations are delegated.

Whereas the original subpart E regulations have only three options for delegation (rule adjustment, rule substitution, and broad program approval) beyond accepting straight delegation, with the amended subpart E regulations, we have modified and expanded these options to include the following:

- ! Straight delegation
- ! Rule adjustment
- ! Rule substitution
- ! Equivalency by permit
- ! State program approval

Straight delegation is the option where the respondents, S/L/Ts, choose to enforce the section 112 standard as written. The S/L/Ts may use the rule adjustment option when they have an S/L/T rule that is unequivocally no less stringent than the otherwise applicable standard. They may use rule substitution when they wish to substitute individual rules in place of the otherwise applicable Federal rule. They may use the equivalency by permit option when they wish to accept delegation of the Federal standard for a limited number of sources using title V permit terms and conditions. Finally, S/L/Ts may use the

State program approval option if they want to use their overall air toxics program to accept delegation of several standards via their program.

The delegation options vary in the types of changes allowed, the level of demonstration required, and the amount of time and process needed to implement them. Respondents must submit any packages requesting delegation to their EPA Regional office. We must then review and approve, partially approve, or disapprove the request based on the subpart E approval criteria. The request may only take effect after our approval (or partial approval of a subset of the request), public notice, and, in some cases, public comment.

Subpart E also contains provisions for delegating accidental release prevention program authorities under the authority of section 112(r) of the CAA. In addition, we also reserve the right to review and withdraw an approved S/L/T rule, program, or requirement if we decide it is not as stringent as the otherwise applicable Federal standard or if the S/L/T is failing to adequately implement or enforce it. Subpart E includes the procedures for this the review and withdrawal process.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need / Authority for the Collection

The information is needed and used to determine if the entity submitting an application has met the criteria established in the subpart E amended rule. This information is necessary for the Administrator to determine the acceptability of approving the S/L/T's rules, requirements, or programs in lieu of the Federal section 112 rules or programs. The collection of information is authorized under 42 U.S.C. 7401-7671q.

2(b) Practical Utility / Users of the Data

This information is necessary for the proper performance of our functions. The information will have practical utility because we will use the information generated from the collection to ensure that the subpart E approval criteria have been met.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Nonduplication

This information collection is not unnecessarily duplicative of information otherwise reasonably accessible to us. Rather, for instances where other reports required by us would duplicate information

required by this rule (for example, the part 70 operating permits rule), it is possible to use information previously submitted to the EPA to meet the requirements of this information collection.

3(b) Public Notice Required Prior to ICR Submission to OMB

We plan to solicit public comments on this ICR prior to submitting it to the Office of Management and Budget. We will issue a *Federal Register* notice requesting comments on the amended burden estimate reflected in this ICR.

3(c) Consultations

We have consulted with respondents or data users on several occasions and in several contexts during the development of the amended subpart E rule. Early in the process of developing the amended rule, we met with representatives from S/L/Ts and environmental nonprofit organizations in public meetings. These meetings took place in December 1996 in Los Angeles and in March 1997 in Washington, D.C. In addition, several representatives from S/L/Ts participated in work groups with us to develop the framework of the proposed equivalency options and process. We also received extensive input from S/L/T air quality officials during the development of the Sacramento Protocol and the subsequent California Initiative, both of which have influenced the final subpart E provisions. In August 1997, we posted the draft rule and preamble on the Internet and solicited informal comment from stakeholders. We published the proposed preamble and rule amendments in the *Federal Register* (64 FR 1880) on January 12, 1999. We received 10 public comment letters on the proposed amendments, and these comments addressed many aspects of the proposal in great detail. Based on the issues discussed by commenters, we made numerous revisions, both major and minor, to the proposed rule amendments.

3(d) Effects of Less Frequent Collection

Applicants are only required to submit information when they wish to receive delegation of a promulgated section 112 standard. Subpart E specifies the minimum information we require to determine whether their request is approvable. We changed the final rule to clarify that the respondent only needs to submit material demonstrating it meets the up-front approval requirements one-time, unless circumstances change at the S/L/T, which would require an updated submittal.

The intent of this voluntary program is to encourage S/L/Ts to accept delegation of the Federal section 112 standards, and to allow them to adjust or substitute S/L/T requirements when they can be shown to be at least as stringent as the Federal requirements. These provisions for alternatives will help preserve existing S/L/T programs and prevent dual regulation of sources.

We also reserve the right to review and withdraw an approved S/L/T rule, program, or requirement if we decide it is not as stringent as the otherwise applicable Federal standard or if the S/L/T is failing to adequately implement or enforce it. In this case, the S/L/T would be asked to submit information regarding permits, monitoring, resources, etc. We will use this information to decide if the rule, program, or requirement should be withdrawn. Our ability to review and withdraw approval is needed to ensure we can satisfy our obligations under the Act to implement and enforce the section 112 standards.

3(e) General Guidelines

None of the general information collection guidelines in 5 CFR 1230.5(d)(2) of the OMB regulations implementing the Paperwork Reduction Act is being exceeded in the proposed subpart E amendments.

3(f) Confidentiality

All information submitted to us for which a claim of confidentiality is made will be safeguarded according to the policies set forth in Title 40, Chapter 1, Part 2, Subpart B, Confidentiality of Business Information. See 40 CFR; 41 FR 36902, September 1, 1976; amended by 43 FR 3999, September 8, 1978; 43 FR 42251, September 28, 1978; and 44 FR 17674, March 23, 1979. Even where we have determined that data received in response to an ICR is eligible for confidential treatment under 40 CFR Part 2, Subpart B, we may nonetheless disclose the information if it is "relevant in any proceeding" under the statute [42 U.S.C. 7414(c); 40 CFR 2.301(g)]. The information collection complies with the Privacy Act of 1974 and Office of Management and Budget Circular 108.

3(g) Sensitive Questions

This section is not applicable. This ICR does not contain any sensitive questions relating to sexual behavior or attitudes, religious beliefs, or other matters usually considered private.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents / SIC Codes

Respondents are S/L/Ts participating in this voluntary program. These government establishments are classified under Standard Industrial Classification Code (SIC) 9511, Air and Water Resource and Solid Waste Management. No industries under any SIC Codes will be included among respondents.

4(b) Information Requested

(i) Data Items, including Recordkeeping Requirements

The information requirements will vary depending upon the type of option an S/L/T chooses for accepting delegation of the Federal standards. The information requirements are as follows:

For overall approval to receive delegation (§63.91)

- ! Confirmation letter from the State Attorney General.
- ! Demonstration of respondent's resources.
- ! Copy of the respondent's statutes, regulations and other requirements that contain appropriate provisions granting authority to implement and enforce the respondent's rule or program upon approval us.
- ! Respondent's implementation schedule.
- ! Respondent's compliance plan.
- ! Respondent's enforcement plan.

Once respondents have demonstrated they meet the overall approval criteria, they may request **straight delegation** (§63.91) of the unchanged section 112 standards. This request may be automatic, i.e., the overall delegation established that the respondent agreed to accept delegation of all future MACT standards. Alternatively, the overall delegation may establish a procedure where the respondent requests delegation of individual standards when they are promulgated. Respondents choosing to utilize **any** of the **other options** to demonstrate the equivalency of their requirements to the Federal requirements must supply the following information:

For the rule adjustment option (§63.92):

- ! Stringency and compliance demonstration.

For the rule substitution option (§63.93):

- ! Demonstration of S/L/T rule equivalency with the otherwise applicable Federal standard.

For the equivalency by permit option (§63.94):

- ! A list of affected sources and standards within the respondent's jurisdiction.
- ! Draft permit terms and conditions.

- ! Demonstration of the equivalency of S/L/T permit terms and conditions to the otherwise applicable Federal standard.

For the **State program approval** option (§63.97):

- ! Source categories for submission within the respondent's jurisdiction.
- ! Description of enforcement measures for area sources (if the otherwise applicable Federal standard applies to area sources).
- ! Collection of the respondent's rules, regulations, permits, implementation plans, or other enforceable mechanisms.
- ! Equivalency demonstration of respondents alternative rules to the otherwise applicable Federal standard.

For the **accidental release prevention program** (§63.95):

- ! Demonstration of adequate resources.
- ! Demonstration of adequate enforcement authority.
- ! Description of coordination mechanisms.

We also have the option of withdrawing a program if we decide that the S/L/T is not properly implementing its rule or program in lieu of the otherwise applicable Federal standard. Under the **EPA review and withdrawal** option (§63.96), the respondents must submit the following:

- ! Information regarding permits, monitoring, resources, etc.

(ii) *Respondent Activities*

The respondent activities required by the rule are listed in the Table 1a through 1g. These activities vary by option because of the different types of information required under each option. To the maximum extent practicable, these activities were developed to allow the S/L/Ts to respond in ways that are consistent and compatible with their existing reporting and recordkeeping practices.

5. THE INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

5(a) Agency Activities

This section addresses the our activities to review the applications submitted by the S/L/Ts under subpart E. The activities vary according to the option used by the S/L/T and are as follows:

For the **overall approval to receive delegation** (§63.91):

- ! Create a *Federal Register* notice seeking public comment.
- ! Review public comments.
- ! Evaluate the S/L/T submittal.
- ! Create a *Federal Register* notice announcing approval or disapproval of the S/L/T submittal.

For the **straight delegation** of individual standards, the Agency will either automatically delegate them to the S/L/T or delegate them in response to a written request, depending on the mechanism established via the overall approval. If the S/L/T decides to use **any** of the **other options** listed within subpart E to demonstrate the equivalency of their rules to the Federal rule, then we will complete both the following activities listed in the applicable option below.

For the **rule adjustment** option (§63.92):

- ! Create a *Federal Register* notice seeking public comment.
- ! Review public comments and S/L/T responses.
- ! Evaluate the S/L/T submittal.
- ! Create a *Federal Register* notice announcing the approval or disapproval of the S/L/T submittal.

For the **rule substitution** option (§63.93):

- ! Create a *Federal Register* notice seeking public comment.
- ! Review public comments.
- ! Evaluate the S/L/T submittal.
- ! Create a *Federal Register* notice announcing approval or disapproval of the S/L/T submittal.

For the **equivalency by permit** option (§63.94):

- ! Create a *Federal Register* notice seeking public comment on the up-front approval of the S/L/T submittal.
- ! Review public comments and S/L/T responses.
- ! Create a *Federal Register* notice announcing approval or disapproval of the S/L/T up-front submittal.
- ! Evaluate the draft permit terms and conditions submitted by the S/L/T.
- ! Create a final *Federal Register* notice announcing approval or disapproval of the draft permit terms and conditions.

For the **State program approval** option (§63.97):

- ! Create a *Federal Register* notice seeking public comment on the up-front approval of the S/L/T submittal.
- ! Review public comments and S/L/T responses.
- ! Create a *Federal Register* notice announcing approval or disapproval of the S/L/T submittal.
- ! Create a *Federal Register* notice seeking public comment on the specific alternative rule submitted by the S/L/T.
- ! Review public comments and S/L/T responses.
- ! Evaluate the equivalency demonstration submitted by the S/L/T.
- ! Create a final *Federal Register* notice announcing approval or disapproval of the alternative rules submitted by the S/L/T.

For the **accidental release prevention** program (§63.95):

- ! Evaluate and approve or disapprove the S/L/T submittal.

Furthermore, we reserve the right to review and withdraw a S/L/T rule or program if we decide that the program is not as stringent as the otherwise applicable Federal standard. During the **EPA review and withdrawal** option (§63.96), we conduct the following activities:

- ! Request information from the affected S/L/T.
- ! Evaluate technical information, data, and results of any site visits within the jurisdiction of the S/L/T.
- ! Create a *Federal Register* notice announcing our intent to withdraw the S/L/T program or rule.
- ! Evaluate public comments and S/L/T responses.
- ! Create a *Federal Register* notice announcing the final decision.

The EPA activities required by the rule and the technical hours associated with them are found in Tables 2a through 2g.

5(b) Collection Methodology and Management

All S/L/Ts using subpart E to accept delegation of Federal standards must submit the proper application to us for review and evaluation. They should prepare their applications using guidance we have and will issue in conjunction with the subpart E implementation. The amended regulations contain no forms.

Qualified staff that work for the EPA Regional offices as well as EPA Headquarters will review

the subpart E applications. The S/L/Ts must supply any calculations and assumptions supporting the technical portion of the application, and we will review these supporting materials to verify them. In regard to information management, we have planned and allocated resources for the efficient and effective use of the information, including the processing of the information in a manner which enhances the utility of the information to us and to the public. For example, in most cases, existing S/L/T part 70 operating permit program approvals may be used to meet the up-front approval criteria in §63.91.

The amended subpart E regulations will not require the request of information through any type of survey.

5(c) Small Entity Flexibility

Minimizing the information collection burden for all sizes of organizations is a continuing principle for our efforts. We have reduced the application, recordkeeping and reporting requirements to include only the information needed by us to determine compliance with the rule. We have reduced the collection burden to the extent practicable and appropriate, including consideration of the resources available to the respondents and clarifying, consolidating, and simplifying the requirements. Furthermore, we do not anticipate that any small entities will be participating in this program.

5(d) Collection Schedule

The subpart E amended regulations are scheduled for promulgation in late 1999 or early 2000. This ICR does not require surveys. Each S/L/T will be required to submit an application under one of the five options discussed in section 1(b). Preparation of an application in compliance with subpart E is a one-time per standard activity. The subpart E amended regulations will not require periodic reporting or surveys.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a) Estimating Respondent Burden

This ICR requires the calculation of the amount of burden hours associated with each activity for each respondent (S/L/T) when complying with the subpart E amended regulations. In calculating the burden hours for subpart E, we made assumptions about the number of S/L/Ts that would use each option as well as the total number of Federal standards delegated by each option. Over the 3-year period of this ICR, we expect to promulgate the remaining 7-year section 112(d) standards (the "MACT" standards) and all of the 10-year MACT standards, which is approximately 105 MACT standards. For the purposes of this ICR, we assumed that all 127 of the S/L/Ts would submit applications to receive overall approval to receive subpart E delegation in the first year of the approval

period. This assumption overstates actual burden, because a number of S/L/Ts have already received delegation and others merely need to write a letter referencing their Title V delegation, which satisfies the approval criteria demonstration.

We assumed that we would promulgate 35 MACT standards per year during the 3-year period of this ICR. We assumed that the MACTs would be delegated as follows: 4,065 through the straight delegation option; 1 through the rule adjustment option; 148 through the rule substitution option; 221 through the equivalency by permit option, and 10 through the State program approval option. For those S/L/Ts requesting straight delegation, we assumed they would submit a request for each promulgated MACT standard. For those S/L/Ts requesting delegation under the equivalency by permit option and the State program approval option, we assumed that a subset of S/L/Ts would use these options and, therefore, request approval to use these options as an additional activity. In addition, we assumed that all 127 S/L/Ts would accept delegation of the section 112(r) program and that we would withdraw up to two approvals over the 3-year period.

Figure 1 provides a flowchart on how we allocated the number of S/L/Ts using each option. Table 3a contains these numbers in a spreadsheet format. Figure 2 provides the allocation of MACTs delegated by option. Table 3b shows the total number of occurrences for each option. Based on this information, we estimate that the average number of responses per year is 4,555.

In calculating the burden hours associated with each delegation option, we revised the activities presented in the previous ICR renewal (ICR no. 1643.02) for subpart E to be consistent with the amended subpart E regulations. We conducted internal consultations in order to derive the number of burden hours for each specific activity. Furthermore, we calculated management hours as 5 percent of technical hours and clerical hours as 10 percent of technical hours. However, for any activity associated with heavy clerical labor, management labor was 5 percent of the total hours allotted to that activity and technical labor was calculated as 15 percent. Clerical labor was 80 percent of the total hours. Table 4 contains the results of the burden hours calculation for each activity during each year of this ICR. Overall, the amended subpart E regulations contain an *average* burden of 130,198 hours *per year*.

6(b) Estimating Respondent Cost

The previous renewal ICR used the Comprehensive Assessment and Information Rule (CAIR) economic analysis to estimate the labor cost for management, technical, and clerical personnel. However, to be consistent with guidance supplied in the ICR Handbook, we used wage rates obtained from the Bureau of Labor Statistics (BLS). We chose the different pay grade levels for management, technical, and clerical personnel by following the example set by other ICRs. By comparing the unloaded hourly rates for S/L/Ts to the rates specified under “Total compensation” we calculated the

percentage of salary devoted to benefits. We chose 20 percent as the percentage of salary that constitutes overhead. The addition of benefits and overhead to the hourly rate produces a pay rate that reflects the true cost to employ a State worker. Following is a summary of the computed wages for S/L/T personnel.

Labor Type	Hourly Rate	Benefits (% Salary)	Overhead (% Salary)	Adjusted Hourly Rate
Management	27.70	34%	0.2	42.66
Technical	26.54	35%	20%	41.14
Clerical	11.60	51%	20%	19.84

The respondent labor costs are found by multiplying the burden hours associated with each activity by the hourly rate associated with each labor type. In total, the amended subpart E regulations contain an average labor cost of \$5,306,520 per year. Table 4 contains the results of the calculation of labor costs for the respondents.

The subpart E amended regulations contain no compliance costs or recordkeeping costs.

6(c) Estimating Agency Burden and Cost

Under the subpart E amended regulations, we must review and evaluate the subpart E applications submitted by the S/L/Ts. In reviewing and evaluating these applications, we will carry out the activities listed in section 5(a) of this ICR. Managerial activities are considered 5 percent of the technical hours while clerical activities are considered 10 percent of the technical hours.

We calculated hourly rates for EPA employees using information on annual salaries from the Internet site for the Office of Personnel Management for the appropriate pay grade levels for management, technical, and clerical personnel. We divided the annual pay rate by 2080, the amount of working hours during a calendar year, to get the hourly wage rate and then multiplied this rate by 1.6 to produce a pay rate that reflects the true cost to the Federal government to employ a Federal worker. The value of 1.6 incorporates the addition of benefits at 40% (0.4) of salary, and the addition of overhead at 20% (0.2) of salary, to the hourly rate. Following is a summary of the computed wages for EPA personnel.

Labor Type	Pay Grade	Annual Salary	Hourly Rate	Benefits (% Salary)	Overhead (% Salary)	Adjusted Hourly Rate
Management	GS-15	74,773	35.95	40%	20%	57.52
Technical	GS-12	45,236	21.75	40%	20%	34.80
Clerical	GS-6	22,948	11.03	40%	20%	17.65

The EPA labor costs are found by multiplying the burden hours associated with each activity by the hourly rate associated with each labor type. Overall, the average burden hours for the EPA is 85,123 hours per year. Table 5 contains a breakdown of EPA burden hours per year. The average labor cost for the EPA is \$2,935,770 dollars per year. Table 5 contains a breakdown of EPA labor costs per year.

6(d) The Respondent Universe

In order to estimate the number of S/L/Ts participating in the subpart E program, we reviewed the information available in our MACT tracking system to determine how many S/L/Ts exist. Based upon the assumption that 100 percent of all S/L/Ts will participate in the subpart E program, the breakdown of the number of S/L/Ts participating is as follows: 50 State agencies, 4 territorial agencies, 68 local agencies, and 5 tribal agencies for a total of 127 S/L/Ts participating in the subpart E program.

6(e) Bottom Line Burden Hours and Cost

Over the 3-year period of this ICR, the total average annual burden and labor cost for the respondents resulting from the subpart E amended regulations are 130,198 hours and \$5,306,520, respectively. There are no capital or operation and maintenance cost burdens associated with this collection. Table 4 contains the bottom line estimate of burden hours associated with the amended subpart E regulations.

6(f) Reasons for Change in Burden

The currently approved burden, based on ICR no. 1643.03, is 79,885 hours per year. We are requesting an increase in burden to 130,198 hours per year. This difference, 50,313 hours, is due to a program adjustment, which includes changes in the size of the respondent universe, or corrections of clerical or computational errors. The following discussion explains these changes.

When the original subpart E regulations were promulgated in 1993, an ICR was approved.

This ICR was renewed in 1996. The 1996 renewal ICR (no. 1643.02) requested 79,884 hours, which was revised to 79,885 hours with ICR no. 1643.03 to extend the previously approved collection. Because the 1996 ICR provides the basis for the hours estimate that is currently approved, we will discuss the change in burden relative to the 1996 ICR.

When the original subpart E regulations were first promulgated in 1993, many S/L/Ts chose not to request approval to adjust or substitute their requirements or programs, because they found subpart E too cumbersome to use. With the January 1999 proposed amendments to subpart E, we created a new delegation option (equivalency by permit) and also increased the flexibility for S/L/Ts to use any of the other options. We believe that because of these changes, more S/L/Ts will volunteer to accept delegation using subpart E. The 1996 ICR assumed that only 40 percent of State and territorial agencies and 25 percent of local agencies would submit subpart E applications. In contrast, we now anticipate 100 percent participation of the 127 S/L/Ts through at least one of the delegation options.

The 1996 ICR also assumed that S/L/Ts would only request equivalency demonstrations for one or two section 112(d) standards per year. In contrast, we believe the S/L/Ts will request delegation for 100 percent of the 35 section 112(d) standards we estimate will be promulgated for each year in the 3-year approval period. We also think that all of the S/L/Ts will take delegation of the section 112(r) accident release prevention program during the 3-year period in contrast to the two occurrences per year estimated in the 1996 ICR.

In addition, the 1996 ICR did not estimate burden for S/L/Ts requesting straight delegation of the section 112(d) standards. We now believe that 70 percent of the S/L/Ts will use straight delegation for 100 percent of their standards and the remaining agencies will use straight delegation for a percentage of the standards they request. Because this is a crucial component of subpart E, we feel its omission in the previous ICR was an error that we need to correct with this ICR.

In completing this ICR, we revisited the estimates of respondent burden to complete each task associated with the delegation options and the review and withdrawal procedures. Based on changes we've made to subpart E to increase flexibility and our increased understanding of the effects of the program requirements, we reduced the overall burden per event by approximately 30 percent, even when we include the new option, equivalency by permit. In the 1996 ICR, the combined burden of all of the single events was 1,222 hours. We currently estimate the same burden to be 833 hours. Even though this revision reduced the burden of the collection, its effect is small compared to the program adjustments discussed above. Therefore, 100 percent of the change in burden is the result of program adjustments.

6(g) Burden Statement

This estimate includes all activities associated with the respondents or government agencies. Overall, the subpart E program will have the following total average annual burden: 130,198 hours and \$5,306,520 (labor costs) for the respondents and 85,123 hours and \$2,935,770 (labor costs) for the EPA. Tables 4 and 5 provide a breakdown of the amount of hours and dollars spent each year. (This ICR corrects an error in ICR no. 1643.03 by including the burden and cost for the Accidental Release Program and EPA Review and Withdrawal in the total and average burden and cost calculations.)

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time need to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulation are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (2137), 401 M. St., S.W., Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Officer for EPA. Include the EPA ICR number and OMB control number in any correspondence.

Part B of the Supporting Statement

Part B is not applicable because statistical methods are not used in data collection associated with this regulation.

FIGURES

Figure 1. Division of Subpart E Options for the ICR Analysis.

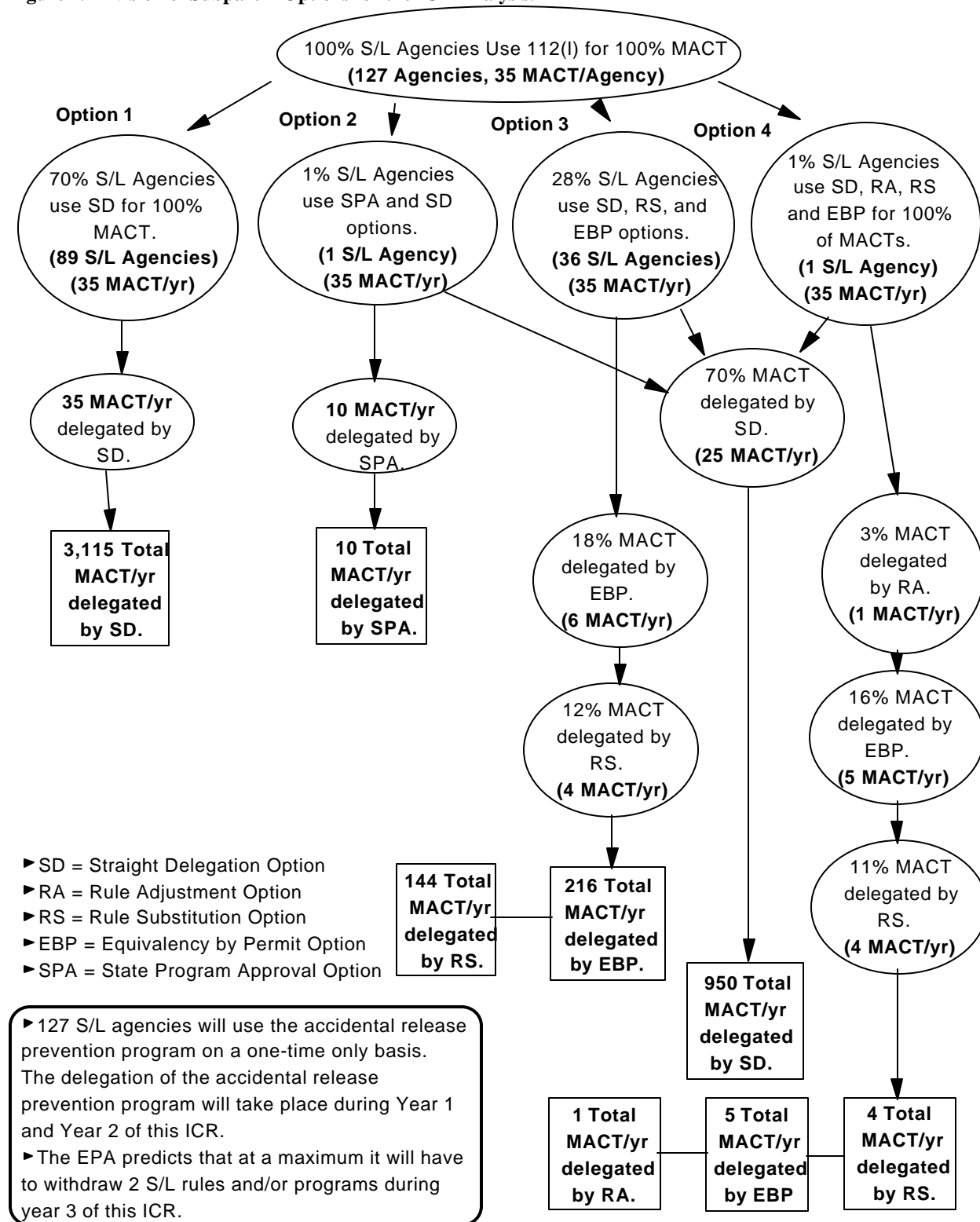
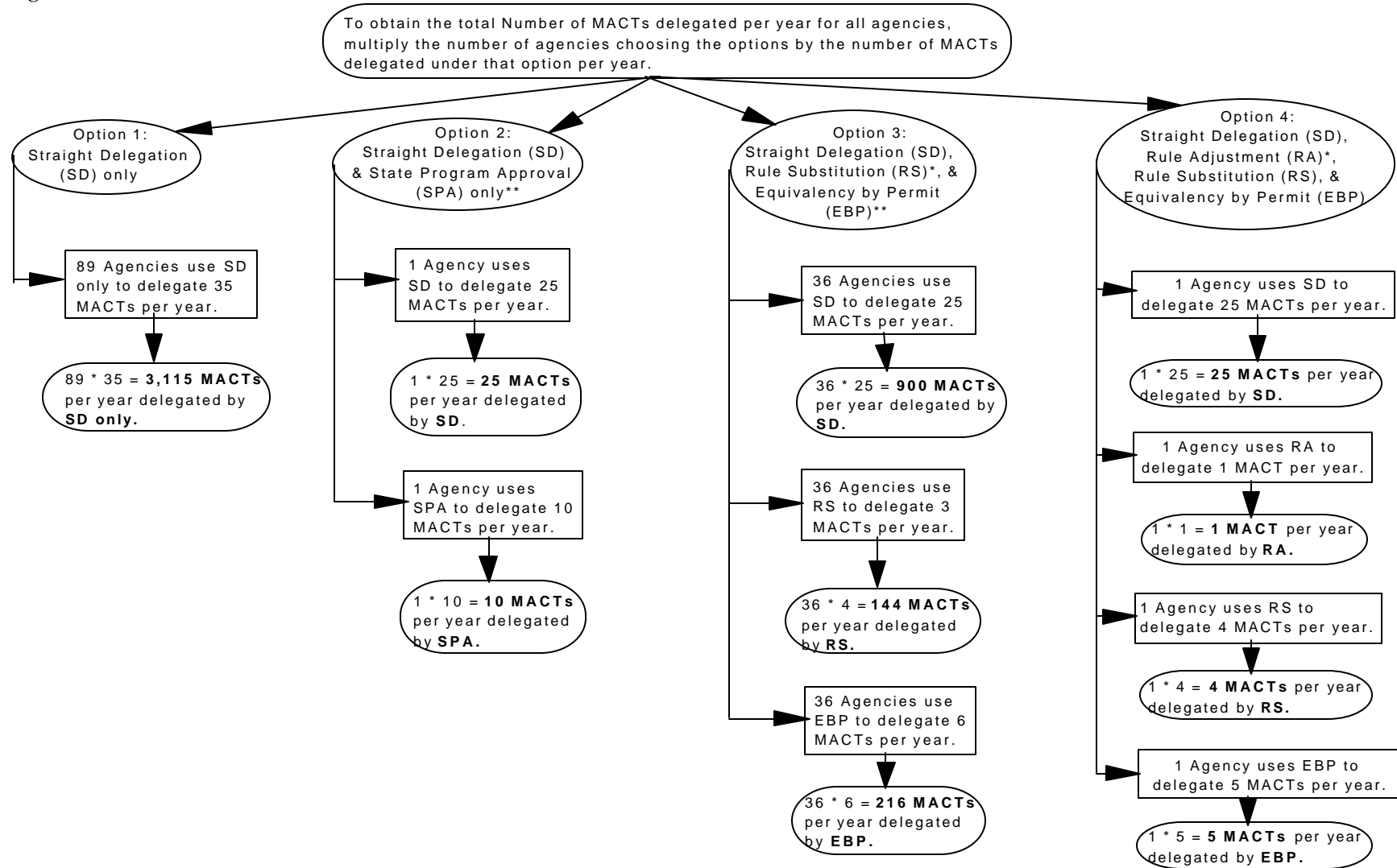


Figure 2. Flow Chart of EPA Allocation of MACT Standards.



TABLES

Table 1a. Activity and Burden for the Overall Approval to Receive Delegation/Straight Delegation (§63.91)	
Activity	Technical Hours per Occurrence
A. Read Rule	2
B. Receive Training on Rule	0
C. Plan Process	10
D. Create Confirmation Letter from Attorney General	1
E. Create Adequate Resources Demonstration/ Legal Authority	2
F. Supply a Copy of State Statutes, Regulations, and Requirements	10
G. Create Expedious Implementation Schedule and Compliance Plan	2
H. Compile, Process, and Review Information	25
I. Create Overall Cover Letter	1
J. Fill Out Completeness Checklist	1
K. Send Submittal to EPA	1.5
L. Store, File, and Maintain Information	20
Total (hr/yr)	65.5
M. Request Straight Delegation of MACT Standards	10

Table 1b. Activity and Burden for the Rule Adjustment Option	
Activity	Technical Hours per Occurrence
A. Conduct State Rulemaking	35
B. Collect Alternative Rule and NESHAP for Analysis and Demonstrate Stringency	15
C. Fill out Completeness Checklist	1
D. Send Submittal to EPA	1.5
E. Store, File, and Maintain Information	20
Total (hr/yr)	72.5

Table 1c. Respondent Activity and Burden for the Rule Substitution Option (§63.93)	
Activity	Technical Hours per Occurrence
A. Conduct Rulemaking and Respond to Public Comments	45
B. Prepare Equivalency Demonstration Table	60
C. Prepare Narrative Text for Equivalency Demonstration Table	60
D. Prepare Cover Letter and Completeness Checklist for Submittal Package	10
E. Send Submittal to EPA	1.5
F. Respond to Public Comments	25
G. Store, File, and Maintain Information	20
Total (hr/vr)	166.5

Table 1d. Respondent Activities and Burden for the Equivalency by Permit Option (\$63.94)	
Activity	Technical Hours per Occurrence
A. Preparation of List of Affected Sources and Affected 112 Standards	20
B. Collection of Draft Terms and Conditions to Submit to EPA	20
C. Alteration of Draft Terms and Conditions	26
D. Preparation of Side-by-Side Comparison of Alternative Requirements	30
E. Preparation of Narrative to Side-by-Side Comparison	30
F. Completion of Cover Letter and Completeness Checklist for Submittal to EPA	10
G. Send Submittal to EPA	1.5
H. Incorporation of Alternative Requirements into Permits	20
I. Store, File, and Maintain Information	20
Total (hr/vr)	166.5

Table 1e. Respondent Activities and Burden for the State Program Approval Option (\$63.97)	
Activity	Technical Hours per Occurrence
A. Respond to Information Requests (permits, monitoring, meetings, etc.)	30
B. S/L/T attempts to correct deficiencies	30
C. Notification to Sources of Withdrawal	40
D. Participation in the Review of Public Comments and Consultations	20
E. Collection of State Rules, Regulations, Permits, Implementation Plans, or Other Enforceable Mechanisms and State Rulemaking	60
F. Preparation of Equivalency Demonstration Table	40
G. Preparation of Narrative to Accompany Equivalency Demonstration Table	40
H. Preparation of Submission to EPA and Completeness Checklist	5
I. Submittal Sent to EPA	1.5
J. Store, File, and Maintain Information	20
Total (hr/vr)	186.5

Table 1f. Respondent Activities and Burden for the Accidental Release Prevention Program (\$63.95)	
Activity	Technical Hours per Occurrence
A. Resource Demonstration	5
B. Demonstration of Adequate Enforcement Authority	20
C. Description of Coordination Mechanism	15
D. Preparation of Package for Submission to the EPA	25
Total (hr/vr)	65

Table 1g. Respondent Activities and Burden for the EPA Review and Withdrawal Option (\$63.96)	
Activity	Technical Hours per Occurrence
A. Respond to Information Requests (permits, monitoring, meetings, etc.)	30
B. S/L/T attempts to correct deficiencies	30
C. Notification to Sources of Withdrawal	40
Total (hr/yr)	100

Table 2a. EPA Activities and Burden for the Overall Approval to Receive Delegation/Straight Delegation (\$63.91)	
Activity	Technical Hours per Occurrence
A. Review Submission for Completeness	10
B. Notification to State of Complete/Incomplete Application	5
C. Creation of Federal Register Notice to Seek Public Comment	5
D. EPA Review of Public Comments and S/L/T Responses	5
E. EPA Evaluation of General Criteria	10
F. Creation of Final Federal Register Notice	5
G. Answer Respondent Questions	10
H. Store, File, and Compile Information	10
Total (hr/yr)	60
I. Send Letter Granting Straight Delegation	5

Table 2b. EPA Activities and Burden for the Rule Adjustment Option (\$63.92)	
Activity	Technical Hours per Occurrence
A. Creation of Federal Register Notice to Seek Public Comment	5
B. EPA Review of Public Comments and S/L/T Responses	20
C. EPA Evaluation of General Criteria	5
D. Creation of Final Federal Register Notice	5
E. Answer Respondent Questions	15
F. Store, File, and Compile Information	10
Total (hr/yr)	60

Table 2c. EPA Activities and Burden for the Rule Substitution Option (§63.93)	
Activity	Technical Hours per Occurrence
A. Review Submission for Completeness	10
B. Creation of Federal Register Notice to Seek Public Comment	5
C. EPA Review of Public Comments	20
D. EPA Evaluation of Equivalency Demonstrations	80
E. Creation of Final Federal Register Notice	10
F. Answer Respondent Questions	35
G. Store, File, and Compile Information	10
Total (hr/vr)	170

Table 2d. EPA Activities and Burden for the Equivalency by Permit Option (§63.94)	
Activity	Technical Hours per Occurrence
A. Notification of Whether Alternative Rule Submittal is Complete (Letter and Consultations)	10
B. Creation of Federal Register notice for Public Comment for Up-front Approval	5
C. Review of Public Comments and S/L Responses for Up-front Approval	30
D. Creation of Federal Register Notice to Approve/Disapprove Program	25
E. Notification to Respondent of Complete Package of Alternative Terms and Conditions for Approval	10
F. Evaluation of Draft Permit Terms and Conditions	50
G. Creation of Notification of Approved/Disapproved Draft Permit Terms and Conditions (Letters and Meetings)	20
H. Creation of Final Federal Register Notice for Notification	15
I. Answer Respondent Questions	35
J. Store, File, and Maintain Information	10
Total (hr/yr)	140

Table 2e. EPA Activities and Burden for the State Program Approval Option (\$63.97)	
Activity	Technical Hours per Occurrence
A. Notification by Letter and Meetings of Whether Alternative Rule Submittal is Complete	10
B. Creation of Federal Register Notice for Public Comment for Up-front Approval	5
C. Review of Public Comments and S/L/T Responses for Up-front Approval	30
D. Creation of Federal Register Notice to Approve/Disapprove Submittal	25
E. Notification of Complete Alternative Requirements	10
F. Creation of Federal Register Notice for Public Comment on Alternative Rules	5
G. Review of Public Comments and State Responses on Alternative Rules	40
H. Evaluation of Equivalency Demonstration	40
I. Creation of Final Federal Register Notice for Notification	25
J. Answer Respondent Questions	35
K. File, Store, and Maintain Information	10
Total	165

Table 2f. EPA Burden and Activities for the Accidental Release Prevention Program (\$63.95)	
Activity	Technical Hours per Occurrence
Evaluation of Submission for Approval	25

Table 2g. EPA Activities and Burden for the EPA Review and Withdrawal Option (\$63.96)	
Activity	Technical Hours per Occurrence
A. Creation of Request for Information	15
B. Evaluation of Information Submitted by S/L/Ts (Permits, Site Visits, Monitoring Data)	180
C. Letter Informing S/L/T of Inadequate Program	10
D. Creation of Notice for Proposed Withdrawal	15
E. Evaluation of Public Comments and S/L/T Responses	50
F. Notification of Changes for S/L/Ts to Make to Correct Deficiencies	15
G. Notification of Withdrawal	10
H. Publication of Schedule for Compliance	5
Total (hr)	300

Table 3a. Summary of Delegations by S/L/Ts					
	% Agencies Choosing Option	Number of Agencies Choosing Options	% MACT Delegated per Year	Number of MACT Delegated per Year	Total Number of MACTs Delegated per Year
Option 1	0.7	89	---	---	---
----Straight Delegation	---	---	1	35	3115
Option 2	0.01	1	---	---	---
----Straight Delegation	---	---	0.7	25	25
----State Program Approval	---	---	0.3	10	10
Option 3	0.28	36	---	---	---
----Straight Delegation	---	---	0.7	25	900
----Rule Substitution	---	---	0.12	4	144
----Equivalency by Permit	---	---	0.18	6	216
Option 4	0.01	1	---	---	---
----Straight Delegation	---	---	0.7	25	25
----Rule Adjustment	---	---	0.03	1	1
----Rule Substitution	---	---	0.11	4	4
----Equivalency by Permit	---	---	0.16	5	5
Total	1	127			4445

Table 3b. Distribution of Different Options for Agencies Choosing to Use Subpart E				
	Total Number of Occurrences per Year			
	Year 1	Year 2	Year 3	Total
Option/Year	(occ/yr)	(occ/yr)	(occ/yr)	(occ)
Requests to Receive Overall Approval for Delegation	127	0	0	127
MACTs Delegated through Straight Delegation -- (§63.91)	4,065	4,065	4,065	12,195
MACTs Delegated through the Rule Adjustment Option (§63.92)	1	1	1	3
MACTs Delegated through the Rule Substitution Option (§63.93)	148	148	148	444
MACTs Delegated through the Equivalency by Permit Option -- One Time Application (§63.94)	37	0	37	74
MACTs Delegated through the Equivalency by Permit Option -- per MACT (§63.94)	221	221	221	663
MACTs Delegated through the State Program Approval Option -- One-Time Application (§63.97)	1	0	0	1
MACTs Delegated through the State Program Approval Option -- per MACT (§63.97)	10	10	10	30
Number of Agencies Using Accidental Release Prevention Programs (§63.95)	95	32	0	127
Number of Rules or Programs Withdrawn by EPA (§63.96)	0	0	2	2
Total	4705	4477	4484	13666
Average occurrences/yr	4555			

Table 4. Total Annual Burden for Respondents								
	Person-Hours				Labor Costs			
Year	Year 1	Year 2	Year 3	Total	Year 1	Year 2	Year 3	Total
Option	(hr/yr)	(hr/yr)	(hr/yr)	(hr/yr)	(\$1,000/yr)	(\$1,000/yr)	(\$1,000/yr)	(\$1,000/yr)
Overall Approval to Receive Delegation (§ 63.91)	8,318.5	0.0	0.0	8,318.5	376.50	0.00	0.00	376.50
Straight Delegation (§63.91)	40,650.0	40,650.0	40,650.0	121,950.0	1,839.82	1,839.82	1,839.82	5,519.46
Rule Adjustment Option (§ 62.92)	91.8	91.8	91.8	275.4	3.46	3.46	3.46	10.38
Rule Substitution Option (§ 63.93)	38,924.0	38,924.0	38,924.0	116,772.0	1,509.35	1,509.35	1,509.35	4,528.05
Equivalency by Permit Option (§ 63.94) (One-Time Application)	851.0	0.0	851.0	1,702.0	33.49	0.00	33.49	66.98
Equivalency by Permit Option (§ 63.94) (Per MACT)	41,857.4	41,857.4	41,857.4	125,572.2	1,613.71	1,613.71	1,613.71	4,841.13
State Program Approval (§ 63.97) (One-Time Application)	74.8	0.0	0.0	74.8	2.94	0.00	0.00	2.94
State Program Approval (§ 63.97) (Per MACT)	2,227.5	2,227.5	2,227.5	6,682.5	86.14	86.14	86.14	258.42
Accidental Release Prevention Program (§ 63.95)	6,745.2	2,272.0	0.0	9,017.2	229.40	77.27	0.00	306.67
EPA Review and Withdrawal (§ 63.96)	0.0	0.0	230.0	230.0	0.00	0.00	9.05	9.05
Total	139,740.2	126,022.7	124,831.7	390,594.6	5,694.80	5,129.75	5,095.02	15,919.57
Average/yr	130,198.2				5,306.52			

Table 5. EPA Total Annual Burden								
	Person-Hours				Labor Costs			
Year	Year 1	Year 2	Year 3	Total	Year 1	Year 2	Year 3	Total
Option	(hr/vr)	(hr/vr)	(hr/vr)	(hr/vr)	(\$1,000/vr)	(\$1,000/vr)	(\$1,000/vr)	(\$1,000/vr)
Overall Approval to Receive Delegation (§ 63.91)	7,620.0	0.0	0.0	7,620.0	300.53	0.00	0.00	300.53
Straight Delegation (§ 63.91)	635.0	635.0	635.0	1,905.0	25.04	25.04	25.04	75.13
Administrative Criteria (§ 63.91) (First Application)	5,244.0	2,622.0	5,175.2	13,041.2	179.85	89.93	177.50	447.28
Administrative Criteria (§ 63.91) (Subsequent Applications)	7,659.2	7,659.2	7,659.2	22,977.6	262.69	262.69	262.69	788.07
Rule Adjustment Option (§ 63.92)	69.2	69.2	69.2	207.6	2.38	2.38	2.38	7.14
Rule Substitution Option (§ 63.93)	28,934.0	28,934.0	28,934.0	86,802.0	992.34	992.34	992.34	2,977.02
Equivalency by Permit Option (§ 63.94) (One-Time Only Application)	2,978.6	0.0	2,978.6	5,957.2	102.16	0.00	102.16	204.32
Equivalency by Permit Option (§ 63.94) (Per MACT)	35,581.1	35,581.1	35,581.1	106,743.3	1,220.31	1,220.31	1,220.31	3,660.93
State Program Approval Option (§ 63.97) (One-Time Only Application)	80.6	0.0	0.0	80.6	2.77	0.00	0.00	2.77
State Program Approval Option (§ 63.97) (Per MACT)	1,897.5	1,897.5	1,897.5	5,692.5	65.08	65.08	65.08	195.24
Accidental Release Prevention Program (§ 63.95)	2,731.3	920.0	0.0	3,651.3	93.67	31.55	0.00	125.22
EPA Review and Withdrawal (§ 63.96)	0.0	0.0	690.0	690.0	0.00	0.00	23.66	23.66
Total	93,430.5	78,318.0	83,619.8	255,368.3	3,246.83	2,689.32	2,871.16	8,807.32
Average	85,122.8				2,935.77			